

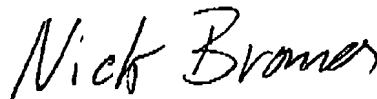
Brief on Appeal 09/995,097

REMARKS

Each year about 25,000 people break or sprain their wrists from in-line skating. The Applicant's invention, braking by raising the toes, might reduce that number. There is a long-felt need for a skate brake that really works, and the Applicant's just might.

The Examiner writes (page 6, line 8), "Applicant's language does not require that the only motion that a foot undergoes be an upward rotation of the toes." The Applicant therefore requests amendment of claim 5 to further clarify that the foot holds still and the toes rotate upward. (The Applicant thought that "while the user's foot is on the position" already made this clear.) This amendment does not raise a new issue: the Applicant has been arguing for this same feature for the past six years. It relates only to the claim language used to *describe* the Applicant's feature—the feature itself is unchanged. Therefore entry is proper under MPEP § 1207. The Examiner is urged to work with the Applicant to resolve any questions resulting solely from claim language interpretation, and allow the application.

Respectfully submitted,



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I certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (fax no. 571-273-8300) on December 3, 2007.

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